

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TESCO CORPORATION,

§

Plaintiff,

§

v.

§

**WEATHERFORD INTERNATIONAL,
INC., NATIONAL OILWELL VARCO,
L.P., OFFSHORE ENERGY SERVICES,
INC., and FRANK'S CASING CREWS &
RENTAL TOOLS, INC.,**

§

CIVIL ACTION # 4:08-cv-02531

§

JURY TRIAL DEMANDED

§

Defendants.

§

**SERVICE OF DEFENDANT FRANK'S CASING CREW AND
RENTAL TOOLS, INC.'S P.R. 3-8 DISCLOSURES AND NOTICE THEREOF**

Defendant Frank's Casing Crew and Rental Tools, Inc. ("Frank's"), pursuant to Local Rule P.R.3-8, files this Notice to inform the Court that on February 12, 2010, it served its List of Documents upon which Frank's plans to rely as a defense to willful infringement upon Plaintiff Tesco Corporation ("Tesco").

As a defense to Tesco's claim of willful infringement, Frank's intends to rely on at least the following documents:

1. The reexamination proceedings of U.S. Patent Nos. 7,140,443 (the "'443 Patent") and 7,337,324 (the "'324 Patent") (collectively, the "Patents-in-Suit");
2. Defendants' Preliminary Invalidity Contentions served May 21, 2009, and any documents referred to therein;
3. Defendants' Supplemental Preliminary Invalidity Contentions served October 19, 2009, and any documents referred to therein;

4. Defendants' Final Invalidity Contentions to be served February 26, 2010;
5. All drawings and technical documentation related to Frank's accused products, which show Frank's lack of infringement of the Patents-in-Suit;
6. Any other produced documents that illustrate Frank's lack of infringement of the Patents-in-Suit or the invalidity of the Patents-in-Suit;
7. Any testimony related to Frank's lack of infringement of the Patents-in-Suit or the invalidity of the Patents-in-Suit;
8. The practice of features in Frank's allegedly infringing products found in the prior art, including but not limited to Tesco's April 2002 Brochure;
9. Other documents later determined to be relevant;
10. In rebutting Tesco's charge of willful infringement, Frank's intends to rely upon evidence relating to invalidity in view of the statements and findings of invalidity by the PTO in the reexaminations, invalidity contentions, and other relevant evidence described above, including but not limited to the failure of Tesco to file a motion for preliminary injunction.

Dated: February 12, 2010

Respectfully submitted,

/s/ Lester L. Hewitt
LESTER L. HEWITT
Attorney-in-Charge
State Bar No. 09559000
Southern District of Texas No. 1126
lhewitt@akingump.com
DAVID R. CLONTS
State Bar No. 04403700
Southern District of Texas No. 14,018
dclonts@akingump.com

SARAH J. RING
State Bar No. 24056213
Southern District of Texas No. 680,173
sring@akingump.com
AKIN GUMP STRAUSS HAUER & FELD LLP
1111 Louisiana Street, 44th Floor
Houston, Texas 77002-5200
Phone: (713) 220-5800
Fax: (713) 236-0822

ATTORNEYS FOR DEFENDANT
FRANK'S CASING CREW AND RENTAL TOOLS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by email this 12th day of February, 2010.

ATTORNEYS FOR TESCO CORPORATION	ATTORNEYS FOR OFFSHORE ENERGY SERVICES, INC.
Glenn A. Ballard, Jr. John F. Luman, III Andrew W. Zeve Mateo Z. Fowler BRACEWELL & GIULIANI LLP 711 Louisiana St., Ste. 2300 Houston, TX 77002 glenn.ballard@bracewellgiuliani.com john.luman@bracewellgiuliani.com andrew.zeve@bracewellgiuliani.com mateo.fowler@bgllp.com Tesco.Counsel@bgllp.com	C. James Bushman Loren G. Helmreich BROWNING BUSHMAN PC 5851 San Felipe Dr., Ste. 975 Houston, TX 77057 jbushman@browningbushman.com lhelmreich@browningbushman.com
ATTORNEYS FOR WEATHERFORD INTERNATIONAL, INC.	
Paul E. Krieger Lucas T. Elliot MORGAN LEWIS & BOCKIUS, LLP 1000 Louisiana St., Ste. 4200 Houston, TX 77002 pkrieger@morganlewis.com lelliot@morganlewis.com	Thomas R. Davis MORGAN LEWIS & BOCKIUS, LLP 1717 Main St., Ste. 3200 Dallas, TX 75201 tdavis@morganlewis.com
ATTORNEYS FOR NATIONAL OILWELL VARCO, LP	
Robert M. Bowick John W. Raley, III RALEY & BOWICK 1800 Augusta Drive, Suite 300 Houston, TX 77057 rbowick@raleybowick.com jraley@raleybowick.com	

/s/ Lester L. Hewitt

Lester L. Hewitt